



California Fair Political Practices Commission

July 27, 1989

Frederick K. Lowell
Pillsbury, Madison & Sutro
P.O. Box 7880
San Francisco, CA 94120

Re: Your Request for Advice
Our File No. A-89-416

Dear Mr. Lowell:

You have requested confirmation of the telephone advice I provided to you on July 19, 1989, concerning the campaign provisions of the Political Reform Act (the "Act").^{1/}

Your letter, dated July 13, 1989, correctly summarizes my advice that the Bergeson for Senate Committee should report a transfer of funds to the Marian Bergeson for Lieutenant Governor Committee on Schedule E of Form 490 as a lump sum payment.

However, the Marian Bergeson for Lieutenant Governor Committee should report the transaction as a lump sum miscellaneous increase to cash (Schedule G) on the Form 490. In addition, as an attachment to the Schedule G, the committee should itemize every contributor of \$100 or more whose funds were transferred to the Lieutenant Governor committee. The attachment should be clearly labeled to indicate that the funds were received prior to January 1, 1989, and are in compliance with the provisions of the Proposition 73 contribution limitations.

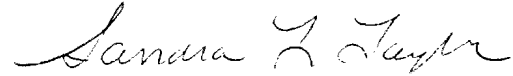
^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Frederick K. Lowell
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For your convenience, a copy of your letter is enclosed.
Please feel free to contact me at (916) 322-5662 if you have any
questions.

Sincerely,

Kathryn E. Donovan
General Counsel

A handwritten signature in cursive script, reading "Sandra L. Taylor".

By: Sandra L. Taylor
Political Reform Consultant

Enclosure

LAW OFFICES OF
PILLSBURY, MADISON & SUTRO

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July 13, 1989

Bergeson for Lt. Governor -
Miscellaneous - 1990 Campaign

HAND DELIVERED

Kathryn E. Donovan
General Counsel
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Dear Kathy:

This letter is a request for formal written advice pursuant to Government Code section 83114(b).

This firm is counsel to the Marian Bergeson for Lieutenant Governor Committee (the "Committee"), a controlled committee established to further the candidacy of State Senator Marian Bergeson for the office of Lieutenant Governor in the 1990 elections. Pursuant to a recent advice letter written by John McLean, (A-89-368) (copy attached), the Committee has received funds transferred to it by the Bergeson for Senate Committee. We now seek your advice as to how this transfer should be reported by the two committees.

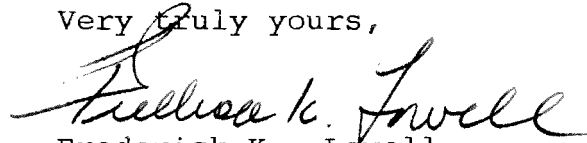
Based on the advice you have already given us, we assume that the transfer should be reported as a lump sum distribution from the Bergeson for Senate Committee on Schedule E of FPPC Form 490 and similarly as a lump sum

Kathryn E. Donovan
July 13, 1989
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receipt by the Committee on Schedule A of its Form 490. We would appreciate your confirmation that reporting the transfer in this manner complies with the Act's disclosure provisions in this case.

We appreciate your assistance in this matter.

Very truly yours,



Frederick K . Lowell

Enc.

cc: John S. McLean, Esq. w/enc.

Jeanne--

I spoke to Fred about this request when he delivered it. To clarify what the letter says, he has not received any advice from John McLean about how to report these funds. All of the funds to be transferred by the Senate Committee are pre-1989 contributions. The real question is whether the Senate Committee or the Lieutenant Governor Committee has to reitemize the contributors of the pre-1989 funds when the funds are transferred. Since those contributions don't count for purposes of the limits in the 1988-89 fiscal year, the I'm not sure whether it's necessary. On the other hand, itemization would show that they have complied with the SEIU decision and transferred only amounts which were within the limits.

They need telephone advice as soon as possible before the reporting deadline, since this will be on their July 31 semi-annual report.

Thanks,

Kathy



California Fair Political Practices Commission

July 14, 1989

Frederick K. Lowell
Pillsbury, Madison & Sutro
P.O. Box 7880
San Francisco, CA 94120

Re: Letter No. 89-416

Dear Mr. Lowell:

Your letter requesting advice under the Political Reform Act was received on July 13, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard *by plh*

Jeanne Pritchard
Chief Technical Assistance
and Analysis Division

JP:plh